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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF CALIFORNIA

In re) Case No. 05-26480
)
ELIZABETH J. SAYERS,) MC No. ISL-1
)
Debtor.)
-----)

FINDINGS OF FACT AND CONCLUSIONS OF LAW
ON MOTION TO VACATE STAY

These findings of fact and conclusions of law are rendered in this contested matter pursuant to Federal Rule of Civil Procedure 52 as incorporated by Federal Rules of Bankruptcy Procedure 7052 and 9014.

Jurisdiction

Jurisdiction is founded upon 28 U.S.C. § 1334. This is a core proceeding. 28 U.S.C. § 157(b)(2)(G).

Findings of Fact

Debtor filed this voluntary chapter 7 petition on May 27, 2005. She scheduled a 2000 Dodge Durango ("vehicle") as property of the estate. The vehicle was not claimed as exempt.

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1 In debtor's Statement of Intention, she stated she intended to
2 surrender the vehicle. The chapter 7 trustee filed a report
3 finding that there was no property available for distribution
4 from the estate over and above that exempted by debtor.

5 On June 30, 2005, First Financial Credit Union ("movant")
6 filed a motion, notice, and declaration requesting that this
7 court vacate the automatic stay to permit movant to repossess
8 the vehicle. Upon review of the record, the court determined
9 that the written record was adequate and that no oral argument
10 is necessary.

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12 Conclusions of Law

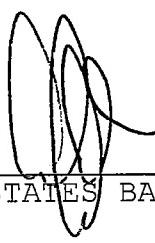
13 The automatic stay of acts against the debtor in personam
14 and of acts against property other than property of the estate
15 continues until the earliest of the time when the bankruptcy
16 case is closed, dismissed, or an individual in a chapter 7 case
17 is granted a discharge. 11 U.S.C. § 362(c). However, the
18 automatic stay may be terminated earlier if debtor fails to
19 adequately protect the secured party's interest, § 362(d)(1),
20 and, with respect to a stay of an act against property, the
21 debtor does not have equity in the property, § 362(d)(2)(A),
22 and the property is not necessary to an effective
23 reorganization. § 362(d)(2).

24 Because the debtor stated an intention to surrender the
25 vehicle, the motion will be granted as to the debtor.

26 As to the trustee, the motion will be granted because the
27 trustee issued a no asset report.

1 An appropriate order will issue.

2 Dated: July 27, 2005

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4 UNITED STATES BANKRUPTCY JUDGE
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